UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,476	02/22/2002	Bruce David Gordon Niven		1483

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EXAMINER
CHANG, JUNGWON

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/081,476	NIVEN ET AL.
	Examiner	Art Unit
	Jungwon Chang	2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>22 February 2002</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-35</u> is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-35</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All b)☐ Some * c)☒ None of:

  1.☒ Certified copies of the priority documents have been received.

  2.☐ Certified copies of the priority documents have been received in Application No. _____.

  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>2/22/02</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-35 are presented for examination.

2.   The information disclosure statement filed on 2/22/2002 has considered.

3.   Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(a)-

(d) based upon an application filed in United Kingdom on 2/28/01. However, certified

copies of the priority documents have not been received.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

5.   Claims 34 and 35 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

6.   Claims 34 and 35 provide for the use of "a method for notifying a client wireless

device of an impending event" and "a method of registering a client wireless device as

hereinbefore described with reference to and as illustrated in the accompanying

drawings", respectively, but, since the claims do not set forth any steps involved in the

method/process, they are unclear what method/process applicant is intending to

encompass. A claim is indefinite where it merely recites a use without any active,

positive steps delimiting how this use is actually practiced. Claims 34 and 35 are

rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting

forth any steps involved in the process, results in an improper definition of a process,

i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for

example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd.* v.

Brenner, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8.   Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by

Brockenbrough et al. (2002/0065097), hereinafter referred to as Brockenbrough.

9.   As to claim 1, Brockenbrough discloses invention as claimed including a method

of registering a client wireless device (mobile client; 28, 32, fig. 1) (page 3, [0025]),

comprising the step of:

operating a registration server (22, fig. 1) for generating registration page signals (fig. 6; generated formatted information using the wireless mark-up language; page 2, [0022]);

allowing at least one gateway server (26, fig. 1) to connect to said registration server (22, fig. 1);

allowing a client wireless device with a unique identification code (mobile client ID; the request passed the mobile client ID for mobile client 28; page 4, [0036) to connect to said registration server through said gateway server (WAP gateway 26 forwards WAP requests received from a mobile client to the WAP server 22; page 2, [0023]);

sending said client wireless device said registration page signals (fig. 6; page 3, [0025]);

detecting said unique identification code (when the session server 24 receives the mobile client ID of mobile client 28, the session server 24 will query the database 30 to determine if the mobile client is currently engaged in the game; page 3, [0031]);

registering said unique identification code (mobile client ID) in response to receipt by said registration server of a registration request signal from said client wireless device by storing said unique identification code in a database (30, fig. 1) of said registration server (this request is received by the WAP server 22...add to the database 30; page 3, [0025]; mobile client ID and the game ID records in active games portion of the database 30; page 4, [0038]); and

disconnecting said client wireless device connection to said registration server

(the mobile client 28 is terminating the call sends the mobile client ID; page 5, [0042])

and retaining said unique identification code in said database (page 4, [0035]; retrieving

the mobile client IDs of the other players of the game and informs the other players of

the end of the call at 90 by posting messages that mobile client 28 has returned from

the call in the pending messages portion of the database 30; page 5, [0042]).

10.   As to claims 2 and 3, Brockenbrough discloses wherein said registration page

(fig. 6) includes a registration button or link (hyperlink, fig. 6) which, when selected by

said client wireless device, sends said registration request signal to said registration

server (client makes a request to begin a game... this request is received by the WAP

server; page 3, [0025]).

11.   As to claims 4 and 5, Brockenbrough discloses wherein, on receipt of a

registration request signal, said registration server automatically detects said unique

identification code (when the session server 24 receives the mobile client ID of mobile

client 28, the session server 24 will query the database 30 to determine if the mobile

client is currently engaged in the game; page 3, [0031]).

Claim Rejections - 35 USC § 103

12.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13.   Claims 6-22 and 24-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brockenbrough et al. (2002/0065097), in view of Walker et al. (2001/0004609), hereinafter referred to as Walker.

14.   As to claim 6, Brockenbrough discloses a method for notifying a client wireless device (mobile client; 28, 32, fig. 1) of an impending event (page 1, [0006]), comprising the steps of:

operating an event server (22, fig. 1) for registering client wireless devices and generating event page signals (fig. 6; generated formatted information using the wireless mark-up language; page 2, [0022]);

allowing at least one gateway server (26, fig. 1) to connect to said event server (22, fig. 1);

providing a registration process for registering client wireless devices before said event (fig. 6; page 3, [0025]);

allowing registered client wireless devices to connect to said event server through said at least one gateway server to participate in said event (WAP gateway 26 forwards WAP requests received from a mobile client to the WAP server 22; page 2, [0023]);

providing a notification server (20, 26, fig. 1) connect to said event server (22, fig. 1).

15.   Brockenbrogh discloses sending, through said notification server (20, 26, fig. 1),

a predetermined time before said event (before game starting time), a message

(invitation) to said registered client wireless devices not connected to said event server

(sending game invitations between wireless telephone users to allow the users to join

an interactive wireless telephone game; page 1, [0001], [0009]; page 2, [0024]).

However, the message is not a reminder message. Walker discloses a reminder

message (sending an acknowledge message to the associated I/O device...when the

tournament starts, the player is able to begin play; page 4, [0047]; notifying a player of

impending start or end times for tournaments; page 8, [0090]; page 11, claim 20). It

would have been obvious to one of ordinary skill in the art at the time the invention was

made to combine the teachings of Brockenbrogh and Walker because Walker's

reminder message would help the registered client aware of when the game is about to

start.

16.   As to claim 7, Brockenbrogh discloses sending connected and registered client

wireless client event page signals during said event (page 1, [0006]);

        detecting client reply signals sent by registered client wireless devices in

response to said sent event signals, during said event (page 1, [0010]; accepting a

voice telephone call during a game; page 2, [0017]-[0018]); and

        storing said client reply signals (page 2, [0024]; page 3, [0031]; page 4, [0035]).

17.   As to claim 8, Brockenbrogh discloses sending takes place in response either to

detection of a client reply signal, to detection of a client next page request signal or to

an event start signal (requesting to start a game; page 4, [0036]).

18.   As to claim 9, Brockenbrogh discloses all connected and registered client

wireless devices are sent the same event page signals and in the same order (page 2,

[0022]; page 3, [0025]).

19.   As to claim 10, Brockenbrogh discloses processing said detected client reply

signals during and/or after event (page 1, [0010]; accepting a voice telephone call

during a game; page 2, [0017]-[0018]).

20.   As to claims 11 and 12, Brockenbrogh does not specifically disclose prize

messages generated on the basis of said processing step to at least one of said

registered wireless device. However, Walker discloses prize messages generated on

the basis of said processing step to at least one of said registered wireless device (page

1, [0009]-[0013]; page 2, [0021], [0024]). It would have been obvious to one of ordinary

skill in the art at the time the invention was made to combine the teachings of

Brockenbrogh and Walker because Walker's prize messages would effectively attract

and retain the customer to the game by a cost of the awarded prize.

21.   As to claims 13 and 14, Brockenbrogh discloses waiting room page signals after

connection and the before said event starts/ends (waiting for players dialog at 44; page

4, [0036]; "hold"; page 4, [0032], [0034]).

22.   As to claim 15, Brockenbrogh discloses a timer control object (host of the game

may set certain attributes such as the length of time between moves; page 4, [0032])

which automatically includes a new page request signal to said event server after a

predetermined time (page 4, [0032]-[0035]).

23.   As to claim 16, Brockenbrogh discloses tracking which event page signals have

been and which client wireless reply signals have been detected (tracking whether

mobile clients are accepting invitations; page 2, [0024]; presence manager 33 keeps

track of whether a mobile client or a mobile phone is on, and in range; page 3, [0027]).

24.   As to claim 17, Brockenbrogh discloses if connection between said client

wireless device and said event server breaks during said event, on re-connection, event

page signals not previously sent or on which client reply signals have not been

detected, are sent (page 4, [0035]; return to a game session at 88; page 5, [0042]).

25.   As to claim 18, Brockenbrogh discloses providing said event server with a table

for coordinating system tasks forming part of said event (game table record

representing the game being formed; page 3, [0025]). However, Brockenbrogh does not

specifically disclose the time table. Walker discloses time table (game session

scheduled for start time and end time; page 5, [0062]-[0063]; time window; page 7,

[0088]). It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the teachings of Brockenbrogh and Walker because

Walker's time table would allow users to efficiently interact with the time scheduler to

determine suitable time to play a game.

26.   As to claim 19, Brockenbrogh discloses allowing at least one client station (28,

32, fig. 1) to connect to said event server (22, fig. 1).

27.   As to claims 20-22, Brockenbrogh discloses providing said event server with a

database containing the content of said event and responses from participants;

information identifying said registered client wireless device; and regarding the

hardware capabilities of said registered client wireless devices (storing game and player

information in a database; page 2, [0024]; page 3, [0031]; database determines the

status of the mobile client game session; page 4, [0035], [0038]).

28.   As to claim 24, Brockenbrogh discloses notification server is a WAP gateway

implementing the WAP 1-2 Push Access Protocol (page 2, [0022]-[0023]).

29.   As to claim 25, it is rejected for the same reasons set forth in claim 6 above. In

addition, Brockenbrogh discloses message includes a hyperlink, said hyperlink providing a

short cut (clicking right mouse and create a short cut) for connection to said event server

(by clicking Accept hyperlink, it allows to connect to said event server; fig. 6).

30.   As to claim 26, Brockenbrogh discloses said event is an interactive event (allow

the users to join an interactive wireless telephone game; page 1, [0001]).

31.   As to claim 27, Brockenbrogh discloses allowing a client wireless device with a

unique identification code (mobile client ID; the request passed the mobile client ID for

mobile client 28; page 4, [0036) to connect to said registration server through said

gateway server (WAP gateway 26 forwards WAP requests received from a mobile client

to the WAP server 22; page 2, [0023]);

        detecting said unique identification code (when the session server 24 receives

the mobile client ID of mobile client 28, the session server 24 will query the database 30

to determine if the mobile client is currently engaged in the game; page 3, [0031]);

        registering said unique identification code (mobile client ID) in response to receipt

by said registration server of a registration request signal from said client wireless

device by storing said unique identification code in a database (30, fig. 1) of said

registration server (this request is received by the WAP server 22...add to the database

30; page 3, [0025]; mobile client ID and the game ID records in active games portion of

the database 30; page 4, [0038]).

32.   As to claims 28, 29, 32 and 33, Brockenbrogh discloses said notification server

identifies said registered client wireless devices by said unique identification code (the

mobile client 28 is terminating the call sends the mobile client ID; page 5, [0042]; page

4, [0035]; mobile client ID and the game ID records in active games portion of the

database 30; page 4, [0038]; retrieving the mobile client IDs of the other players of the

game; page 5, [0042]).

33.   As to claim 30, Brockenbrogh discloses said switched communications system is

a mobile cellular telephone system (page 1, [0002]).

34.   As claim 31, Brockenbrogh discloses the overlaying protocol of said client

wireless device is WAP (WAP protocol; page 2, [0022]).

35.   As to claim 34, it is rejected for the same reasons set forth in claim 1 above.

36.   As to claim 35, it is rejected for the same reasons set forth in claim 6 above.

37.   Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Brockenbrough et al. (2002/0065097), Walker et al. (2001/0004609), and further in view

of "Official Notice".

38.   As to claim 23, Brockenbrogh discloses a notification server (20, 26, fig. 1);

wireless mobile client phone can send and receive data over a cellular network (page 1,

[0002]). Howerver, Brockenbrogh and Walker do not specifically disclose said

notification server is an SMS server. It would have been obvious to one of ordinary skill

in the art at the time the invention was made to include SMS because short message

service is well known globally adapted service that enables the transmission of text

messages to a wireless device.

Conclusion

39.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure:

Cohen, 2001/0024974, Sinclair et al, patent 6,527,641, Lydon et al, patent 6,569,012,

Roseman, patent 6,012,984, Orui et al, 2001/0018365, Chung et al, 2002/0128065

disclose a method and system for allowing participants to interactively play a game over

a network.

40.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jungwon Chang whose telephone number is 571-272-

3960. The examiner can normally be reached on 9:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John A Follansbee can be reached on 571-272-3964. The fax phone

number for the organization where this application or proceeding is assigned is 703-

872-9306.

Information regarding the status of an application may be obtained from the

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JWC
May 12, 2005